

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

PRINCE GEORGE JENNINGS,

Plaintiff,

v.

No. 5:21-CV-219-H-BQ

UNITED STATES OF AMERICA,

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Prince George Jennings, proceeding pro se, filed a complaint against the United States on October 5, 2021. Dkt. No. 1. In his complaint, Jennings also included a request for the Court to appoint counsel. *Id.* Subsequently, Jennings filed an affidavit purporting to serve as a motion to proceed in forma pauperis (Dkt. No. 2). And based on several pleading deficiencies, United State Magistrate Judge Bryant issued two orders and notices of deficiency. Dkt. Nos. 6; 7. Jennings responded to neither. Judge Bryant reviewed the complaints and motions and submitted findings, conclusions, and a recommendation to this Court. Dkt. No. 8. Judge Bryant recommends that the Court either (1) deny Jennings's motions to proceed IFP and dismiss the action without prejudice under Fed. R. Civ. P. 41(b) or (2) dismiss Jennings's complaint for lack of lack of subject-matter jurisdiction and deny the pending motions to proceed IFP. Dkt. No. 8 at 1. In addition, Judge Bryant recommends that the Court deny as moot Jennings's motion to appoint counsel. *Id.*

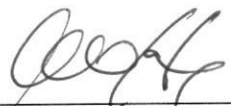
Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendation only for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *superseded by statute*

on other grounds, 28 U.S.C. § 636(b)(1); *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). Jennings has not filed an objection within the 14-day period.

The Court has examined the record and reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR (Dkt. No. 8). The Court specifically finds that Jennings's action is factually frivolous and insubstantial and, therefore, lacks a basis for subject-matter jurisdiction. In doing so, the Court notes that it has provided Jennings with multiple opportunities to amend his complaint, and he failed to do so.

Accordingly, Jennings's complaint (Dkt. No. 1) and the claims within it are dismissed without prejudice. All relief not expressly granted, and any pending motions are denied.

So ordered on January 28, 2022.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE